

ASSEMBLY BILL

No. 1153

**Introduced by Assembly Members La Suer, Garcia, and Maze
(Coauthors: Assembly Members Benoit, Cogdill, Daucher, Shirley
Horton, Houston, La Malfa, Leslie, Mountjoy, Plescia, Spitzer,
Strickland, and Wyland)**

(Coauthors: Senators Hollingsworth and Runner)

February 22, 2005

An act to add Section 664.5 to the Penal Code, relating to offenses against minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as introduced, La Suer. Offenses against minors.

Existing law makes it a crime for a person, with knowledge that a person is a minor, or who fails to exercise reasonable care to know the minor's age, to knowingly distribute harmful matter by any means, including telephone, to that minor for the purpose of seducing the minor.

This bill, in addition, would provide that every person who contacts or communicates with a minor, and who knows or reasonably should know that the person is a minor, with the intent to commit a specified offense with that minor shall be punished as provided for in the law proscribing attempts to commit a crime. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 664.5 is added to the Penal Code, to
2 read:
3 664.5. Every person who contacts or communicates with a
4 minor, and who knows or reasonably should know that the
5 person is a minor, with intent to commit an offense specified in
6 Section 273a, 286, 288, 288a, or 311.11 involving the minor shall
7 be punished pursuant to the provisions of Section 664. As used in
8 this section, “contacts or communicates with” shall include direct
9 contact or communication that may be achieved personally or by
10 use of an agent or agency, any print medium, any postal service,
11 a common carrier or communications common carrier, any
12 electronic communications system, or any telecommunications,
13 wire, computer, or radio communications device or system.
14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.

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